

Department of Natural Resources

Office of Conservation

**Advanced Notice of Proposed Rulemaking and
Solicitation of Comments on Emergency Action Plans
(LAC 43:XIX Chapter 1 – General Operations)**

As part of the ongoing efforts to promote oil and gas exploration and production activities while protecting public health, safety and the environment, the Office of Conservation is considering a regulation which would require the development of an Emergency Action Plan (EAP) by well operators to aid in alerting and protecting the public upon detection of an accidental and uncontrolled release from a well. Although uncontrolled releases are an uncommon occurrence, they create the potential for disruption of normal activities and commerce in an affected area. An EAP requirement would be an effective tool to help ensure that an operator is prepared for an accidental release and emergency response agencies have the information they need when responding to an incident, thereby reducing the potential for impact to public health, safety and the environment.

As a result, the Department of Natural Resources – Office of Conservation is hereby seeking comments from all interested parties on the proposed rule along with information on the potential fiscal and economic impacts of such a rule on all affected parties. This information will be invaluable to this Office as we move forward in the rule development process.

Written comments addressing these issues are due no later than 4:30 p.m., August 15, 2011, and should be submitted to Chris Sandoz, Engineering Division, Office of Conservation, Louisiana Department of Natural Resources, P. O. Box 94275, Baton Rouge, LA 70804-9275 or by Fax to (225) 342-2584. Persons commenting should reference this document as “Solicitation of Comments on Emergency Action Plans.”

§106. Emergency Action Plans

A. All operators that apply for a permit to drill for minerals to a depth greater than five thousand (5,000) feet and are subject to this provision shall develop a written Emergency Action Plan (EAP) or contingency plan in accordance with the requirements of this section. Certification of compliance with these requirements shall be provided on the application for a permit to drill for minerals.

1. The purpose of the EAP shall be to provide an organized plan of action for alerting and protecting the public upon detection of an accidental and uncontrolled release from a well. The EAP shall also serve to expedite response efforts to control the release and mitigate adverse effects to the environment.

2. The EAP shall be implemented immediately upon detection of an accidental and uncontrolled release from a well.

3. The EAP shall be based on anticipated site conditions which assume an absolute open-flow rate from the well. Site-specific conditions that might exist in the affected area, but in no case less than a one (1) mile radius area around the well, shall be considered when preparing an EAP.

a. An absolute open-flow rate shall be estimated for each proposed open-hole section or open perforations using industry recognized methodology. For purposes of this part, a worst-case scenario resulting from catastrophic loss of well control shall be assumed by the permit applicant. The estimated flow rate and fluid type for each open-hole section or open perforations along with all assumptions and parameters considered shall be reported in the EAP.

4. The plan shall include a preliminary drilling and completion time schedule which includes the anticipated dates of commencement and duration of each phase of operations. Notification is to be provided to local emergency response authorities at least 24 hours prior to commencement of drilling or completion operations.

5. The plan shall include provisions for oil spill response and containment that are consistent with the worst case flow rate(s) estimated in LAC 43:XIX.106.A.3.a.

6. The plan shall include instructions and procedures for alerting the general public and public safety personnel of the existence of an emergency.
7. The plan shall include procedures for requesting assistance and for follow-up action to evacuate the public from the impacted area.
8. The plan shall include a list of company contact information including names and telephone numbers for a designated project safety coordinator, operations manager/supervisor, and public relations/information officer associated with the permitted activity. A listed contact shall be designated to respond to questions and/or concerns regarding the plan.
9. The plan shall include a call list which shall include the following:
 - a. Local company supervisory personnel; to include Chief Executive or Chief of Operations
 - b. Office of State Police Hazardous Materials Hotline;
 - c. Parish Sheriff and other local/municipal law enforcement agencies;
 - d. National Response Center
 - e. Louisiana Department of Environmental Quality
 - f. Local and State Governing Authorities;
 - g. Parish/Municipal Emergency Response agencies;
 - h. Local emergency medical providers including hospitals and doctors;
 - i. Fire department;
 - j. Specialized well control and spill response contractors;
 - k. Local air and marine transportation providers (if applicable)
 - l. District Manager – Office of Conservation;
 - m. U. S. Coast Guard (if applicable);
10. The plan shall include a plat detailing a one-mile radius area around the well. The plat shall include terrain, water bodies, and the locations of private dwellings or residential areas, public facilities, schools, business locations, hospitals, public roads, and/or other similar areas where the public might reasonably be expected to occupy.
11. The plan shall include a list of the names and telephone numbers of the responsible parties for each of the possibly occupied public areas such as schools, churches, business, hospitals or other public areas or facilities within the area.
12. The plan shall include provisions for advance briefing of the public within an area. Such advance briefing shall include the following elements:
 - a. the necessity for an emergency action plan;
 - b. the hazards and characteristics of natural gas, condensate, crude oil and drilling fluids;
 - c. the manner in which the public will be notified of an emergency;
 - d. steps to be taken in case of an emergency.
13. The plan shall include additional site specific information, such as:
 - a. location of evacuation routes;
 - b. location and inventory of safety and life support equipment maintained by the company;
 - c. location of nearby telephones and/or other means of communication;
 - d. location of temporary housing , including local hotels/motels and specialized housing for the elderly and children;

- e. special provisions for emergency mass transport of citizens; and
- f. special instructions for conditions such as local terrain and the effect of various weather conditions.

14. Notification to parties identified in the contingency plan shall be implemented immediately in the case of an accidental and uncontrolled release.

15. The availability and retention of the contingency plan shall be as follows:

- a. The plan shall be available for inspection by an agent of the Office of Conservation and public safety officials at the wellsite or at the nearest field office.
- b. The plan shall be available to the public by request and free of charge.
- c. Parties identified in the contingency plan shall be given instructions on how to obtain a copy of the plan. If a copy of the plan is requested by any of these parties, the plan is to be provided free of charge.
- d. The plan shall be retained at other locations which ensure efficient activation of the plan.

16. The plan shall be kept updated to insure its current applicability and effectiveness until well abandonment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 37

James H. Welsh
Commissioner of Conservation